

Rangitikei District Council

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23 SEP 2019
BY:

FORM 5 – SUBMISSION ON PROPOSAL TO CHANGE THE RANGITIKEI DISTRICT PLAN
Proposed zoning of 217 hectares of rural land near Marton to industrial

Clause 6 of the First Schedule, Resource Management Act 1991

SUBMITTER/S DETAILS

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FRASER AURET

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(if different from above)

SUBMISSION

I support the application

I oppose the application

My submission is (specific parts of the plan change proposal; whether you wish to have the proposal amended; the reasons for your views)

SEE ATTACHED SUBMISSION

_____ (continue on a separate sheet if necessary)

I seek the following decision from the Rangitikei District Council (give precise details) _____

SEE ATTACHED
SUBMISSION

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature Fraser Atwood Date 22/09/19

(Person making the submission, or the person authorised to sign on behalf of the person making the submission)
A signature is not required if you make your submission by electronic means.

Please make sure the submission is received by the Council before the due date – i.e. 23 September 2019, 5.00 pm.

SUBMISSION ON PROPOSAL TO CHANGE THE RANGITIKEI DISTRICT PLAN

To: Rangitikei District Council

Name of submitter: Fraser Auret Racing

1. This is a submission by Fraser Auret Racing on the Proposed District Plan Change for rezoning at 1165, 1151, 1091 State Highway 1, Marton.
2. Fraser Auret Racing could not gain an advantage in trade competition through this submission.
3. This submission relates to the entirety of the proposed change.
4. Fraser Auret Racing opposes the proposed change, for the reasons set out below:

Lack of information

- 4.1 The proposal omits fundamental information.
- 4.2 For a first example, there is a known faultline running through the site, but no geotechnical assessment has been undertaken. The proposal improperly presumes that this deficiency can be fixed at a later time by obtaining a geotechnical assessment **if** the Plan Change proceeds to a hearing. A matter of national importance under s 6 of the Act cannot be disregarded depending on whether submissions are received that lead to a hearing being required: it is incumbent on the Council to have due regard to those s 6 matters irrespective of what submissions are received.
- 4.3 Further, the Council's approach on this aspect pre-supposes what the outcome of any geotechnical assessment will be, namely that it will not preclude the proposal from proceeding. There is no basis whatsoever for this presumption, and it is improper for the Council to notify a Plan Change that is deficient in this way. It signifies that the analysis underlying the proposal is flawed, and it precludes the public from being properly informed about the Plan Change.
- 4.4 A second example of fundamental information omitted from the proposal is in the area of traffic engineering. The proposal places considerable reliance on the zoning enabling intensive development of large-scale industrial activity, and

the need such activity has for regional and national freight links. Whether or not a rail siding is ultimately developed to facilitate direct connection between (some of) the land and the adjacent rail network, the type of development envisaged will plainly generate traffic volumes (and truck sizes) that are substantially different from existing activity. Further, connection directly to the State Highway is not an option, so all of this new traffic will use Wings Line or Makirikiri Road. Yet, there is no traffic engineering assessment of the existing traffic and network against future traffic volumes that the rezoning may generate, and the capacity of the network to facilitate such volumes. Like the geotechnical assessment, this is left to be done at a later stage in the Plan Change process, which means there is a substantial gap in the present assessment. Again, this means the Plan Change is so deficient that it should not have been notified, and it prejudices the public by failing to provide fundamental information on effects of the proposal that the Council itself expects will arise (assuming that the land is in fact taken up for intensive large-scale industrial activity, as Council hopes).

- 4.5 A third example of missing information is that the proposal refers to, and seemingly relies on, many other documents that have simply not been provided. This includes a document titled "Potential Industry Types" which the proposal states was produced by Martin Visser (date unknown), an "Economic Impact Assessment" prepared by Martin Visser (June 2019), a report on "Land Supply/Demand" prepared by Martin Visser (July 2019), a "Soils Economic Output" report, which the proposal states was prepared by Malcolm Thomas (6 June 2019), written advice from Arno Benadie on "Infrastructure Capacity" (19 July 2019). Fraser Auret Racing reserves the right to raise and pursue **any** issues that arise from information that has not been provided publicly with the proposal and that is later made available, regardless of whether the issue is or is not raised in this submission document. However, Fraser Auret Racing submits that the more appropriate course for the Council to take, given the extraordinary array of missing information, is to withdraw the proposal altogether, and re-notify it properly, with all the appropriate supporting information.

Lack of demand

- 4.6 There is simply no demand for the land to be re-zoned for industrial uses. The proposal itself recognises this, stating "Current growth trends would indicate that there is unlikely to be a significant increase in demand for industrial land in the immediate future". Added to this, Council's assessment of

the existing land available for industrial use has been inadequate. It discloses there are at least 68.7 hectares of vacant industrially-zoned land presently available. Superficial reasons are given for disregarding the availability of this land. For example 38 hectares of vacant industrially zoned land located on State Highway 3 (nb. well-connected for road freight) is said to be located in an "indicative" flood zone, and "further investigation would be required" to understand its suitability. Rather than undertake that investigation, Council seems to have simply rejected the site off-hand, and proceeded to look elsewhere.

- 4.7 Further, the second-largest area of presently vacant land that is industrially zoned is (23 hectares, also adjacent to the railway) is dismissed on the basis that it is "partially" within a flood zone, and has nine residential properties to the north that may be restrictive. First, there is no information given about how significant the "partial" flood zone is — how much of the area is zoned in that way, and how significant an impact would that have for the types of heavy industrial land uses Council is trying to support. Second, there is some irony in the fact that Council dismisses an existing industrial zoned area because it has sensitive neighbours in preference for zoning an entirely new area that has equally, if not more, sensitive neighbours.
- 4.8 Importantly, the proposal proceeds on an assumption that the positive effects will outweigh the adverse effects (which is addressed further below), which is based on Council's expectations of the economic benefits of the proposal. Yet, if demand is not robustly, credibly and transparently demonstrated, and existing supply has been superficially dismissed, it is improper to assume that economic benefits will follow – let alone that they will outweigh the severe adverse effects of the proposal.

Incomplete effects assessment

- 4.9 The proposal is adjacent to two residential dwellings on the southern side of Wings Line, as has been recognised. But the proposal has failed to recognise the sensitivity of the long-established and lawful activity undertaken by Fraser Auret Racing, on the northern side of the road. Fraser Auret Racing is a prestigious race-horse training business. It has been based at 73 Wings Line for the past decade, and has invested substantial sums into facilities to meet the needs of the business as it grows.

- 4.10 Fraser Auret Racing chose to locate at 73 Wings Line precisely because of the rural zoning of the site and its surrounds. This assures ideal conditions for training race horses, and in particular provides the right environment to allow race horses to recover between races and thrive. Fraser Auret Racing having its own tracks and specialist facilities provides the business with a definitive edge in a highly competitive market (Fraser has been in the top 12 trainers out of approximately 800 trainers nationwide in recent seasons).
- 4.11 At our peak there are approximately 100 horses that both live on site and are utilising the five tracks on offer, so the specialised training facility that we have is unique and the costs of recreating such a property would be millions.
- 4.12 The business operations include; breaking in horses, educating them for racing, racing them, selling them on behalf of owners and himself and breeding. An inherent component is the day to day care and husbandry of all horses on the property and improving and maintaining their fitness for racing.
- 4.13 The business currently employs 9 staff – 6 Fulltime, and 3 Part-Time. We also have 4 contractors including vets, farriers and equine dentists.
- 4.14 Outside our industry it may not be well understood how sensitive horses are to their environment. We know from experience that intensive industrial activity of the sort proposed will have significant adverse effects due to traffic, light, noise, dust, odour and smoke.

Traffic amenity effects

- (a) Increased traffic, especially heavy vehicles, will impact us immensely with regards to noise, increased levels, vibrations, fumes, and with the 24 hour a day proposed activity there will be no reprieve. Our horses are not pleasure horses they are finely tuned athletes and their rest and repair time/downtime is of extreme importance. The current volume of traffic is of minimal impact to this and at night there is very little activity but the proposal will change this, and we expect this will be a severe adverse impact. We have been hampered in obtaining any expert advice on these matters, as the proposal itself contains no proper expert assessment (as addressed above).

Light

- (b) Light spillage, especially being 24 hours a day will also impact on the horses' repair time/downtime.
- (c) Artificial light prematurely brings all fillies and mares into season, this has behavioural impacts on the mares and becomes a huge health and safety issue as we also have a lot of colts/stallions on site. We currently have protocols and very costly medications to deal with the natural window in spring when this occurs, but any light spillage of any form will have dire consequences on our business.

Noise

- (d) Noise from intensive heavy-industry, especially with the 24 hours a day proposed, will also impact on the horses repair time/downtime.

Dust

- (e) Horses have extreme sensitivities to moulds, dust and pollens and any other airborne allergens. Not only that, but environmental allergens can stimulate either respiratory issues or skin reactions.

Traffic safety effects

- (f) Our current gateway is 15 metres distant from a reasonably deep drop in the road. This abrupt change in the levels of the road surface is already very dangerous with the current low level of traffic. We have grave concerns that frequent heavy vehicles in blind spots increase the risk for harm or death for our horses, and our truck or other trucks, our staff, visitors to the stable and our family. The road is already used as a bypass because of the height restrictions relating to the Rail Bridge near Calico Line on State Highway 1, and there is no mention in the proposal of this at all. Increased usage could see heavy/oversized vehicles meeting head on much more frequently creating even greater risks.

Odour and Smoke

- (g) Horses have a very acute sense of smell and use it to interpret their world in ways that are far beyond the capabilities of a human. A horse can literally smell danger. The slightest breeze bringing a foreign scent (such as, but not limited to, smoke, fumes, unnatural scents, dusts, etc) puts a horse into a flight mode. Tails

go high as a signal and the horses are off and running in a flash irrespective if they are being ridden, handled or lead. Again this will create extreme health and safety risks.

Lack of Consultation

- 4.15 Fraser Auret Racing was, surprisingly, not consulted at any stage by the Council, despite Council consulting with other landowners on Wings Line.

Incomplete Infrastructure Assessment

- 4.16 The site has no potable water, no wastewater reticulation, no stormwater reticulation, and no power supply. Plainly, in this state it is entirely inappropriate for it to be re-zoned for industrial uses.
- 4.17 The proposal proceeds on a baseless assumption that all of these services can and will be provided. The presence of potable water connections and wastewater reticulation to some nearby properties is not a reliable indication that new connections are feasible, let alone that the the underlying capacity of the infrastructure is suitable to support the additional loading that intensive industrial activity might generate. These issues seem to have been treated as if they are not part of the present assessment, and can be addressed at a later time, which is wholly inappropriate: what if it turns out that essential services are unable to be supplied, or that a future developer of the site is unwilling to pay the hefty development contribution (assuming Council's policy even provides for this) necessary to install substantial infrastructure upgrades?
- 4.18 The position in relation to power is no better. There is no present connection, and the local distributor, Powerco, says it cannot comment on the ability to supply electricity nor whether there is sufficient capacity to serve potential new industrial sites.
- 4.19 Further, an assumption is made that stormwater can be suitably disposed on site. No assessment is made of the considerable hard surfacing of the site that intensive industrial uses may require, and whether in fact the substantial alteration of the stormwater rates can be internally mitigated, so that adjacent landowners are unaffected.
- 4.20 Despite these deficiencies, the proposal baldly states "future industrial uses can be adequately serviced", which is baseless.

Loss of versatile soils

4.21 Fraser Auret Racing is also concerned that there is inadequate consideration given to the loss of the land for rural land uses, particularly the loss of versatile soils. This has been under-stated in the proposal.

Improper tests

4.22 The effects assessment concludes that the "positive effects will outweigh the adverse effects". For reasons already outlined, the positive effects have been over-stated, and the adverse effects understated; but even putting those problems aside, the correct test is not "do the positives outweigh the negatives?". If the negatives are substantial (and we say they are), it can be inappropriate to progress a proposal even if it has significant positives (which we say this proposal does not). It seems the proposal has been advanced on a simplistic, and flawed, understanding that what is required is some sort of binary assessment, i.e. provided the positive side of the ledger is sufficiently favourable, any amount of problems on the negative side of the ledger are overcome. This is not the correct approach.

4.23 The Plan change also proceeds as if there is no need to inquire into the appropriateness of the Objectives of the new zoning. This too is flawed. Re-zoning the land from Rural to Industrial requires an assessment whether the existing Rural Objectives, or the existing Industrial Objectives are the most appropriate way to achieve the purpose of the Resource Management Act in relation to *this* land. That assessment has not been undertaken in the proposal document. Having considered the objectives of both zones, Fraser Auret Racing maintains that the objectives of the Rural zone are the most appropriate for this land resource.

4.24 Further, Fraser Auret Racing disagrees that the proposal gives effect to relevant provisions of the Regional Policy Statement; and disagrees that it promotes the sustainable management purpose of the Resource Management Act, or meets the requirements of section 6(h) or 7(c), (f) or (g).

5. Fraser Auret Racing seeks that the proposed change be declined.
6. Fraser Auret Racing wishes to be heard in support of this submission.
7. If others make a similar submission Fraser Auret Racing will consider presenting a joint case with them at hearing.

Fraser Auret

Fraser Auret, Horse Trainer/Owner

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